

EXHIBIT 12

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION
IN ADMIRALTY

TIFFANY N. PROVENCE, AS THE
PERSONAL REPRESENTATIVE OF
THE ESTATE OF JUAN ANTONIO
VILLALOBOS HERNANDEZ,

Plaintiff,

vs. CASE NO. 2:21-cv-965-RMG

UNITED STATES OF AMERICA,
CROWLEY MARITIME
CORPORATION, CROWLEY
GOVERNMENT SERVICES, INC.,
DETYENS SHIPYARDS, INC., AND
HIGHTRAK STAFFING, INC. D/B/A
HITRAK STAFFING, INC.,

Defendants.

CONTINUED

30(b)(6) ZOOM

DEPOSITION OF: CROWLEY GOVERNMENT SERVICES, INC
BY: PAUL VARGHESE

DATE: June 21, 2022

TIME: 10:07 A.M.

LOCATION: Offices of
Crowley Maritime Corporation
9487 Regency Square Boulevard
Jacksonville, FL

TAKEN BY: Counsel for the Plaintiff

REPORTED BY: Wanda K. Cecil
Certified Court Reporter
(Appearing by Zoom)

1 lifeboat equipment, the davit was the ship
2 equipment.

3 Q. Okay. So the lifeboat and the lifeboat
4 davit was ship's equipment; is that correct?

5 A. That is correct.

6 Q. All right. But the welding machine
7 that -- any welding machine that Detyens brought on
8 board was shipyard equipment; correct?

9 A. That is correct.

10 Q. All right. And any cranes that Detyens
11 might have used that were based on the pier or not
12 part of the ship would have been shipyard equipment;
13 correct?

14 A. That is -- that is correct.

15 Q. Okay. And the safety management system
16 that Crowley had developed and that applied to the
17 LUMMUS, had that been reviewed by an outside third
18 party and certified or approved by an outside third
19 party?

20 A. Yes.

21 Q. And who was that outside third party
22 that approved the safety management system in place
23 on the LUMMUS?

24 A. American Bureau of Shipping.

25 Q. Okay. And in the safety management

1 as reflected on Exhibit 2; is that right?

2 A. That is correct.

3 Q. Okay. And then it says on Exhibit
4 Number 2, the crew is assisting DSI with services,
5 safety tag outs and identification of work items?

6 A. That is correct.

7 Q. You see that?

8 A. Yes, sir.

9 Q. All right. Where it says safety tag
10 outs, would that be from the vessel systems or do
11 you have any idea what that's referring to?

12 A. That's a tag out of the vessel systems.

13 Q. Okay. And so give us some examples of
14 what kind of systems the crew would be working on
15 tag outs with?

16 A. If the shipyard -- if the shipyard was
17 working on the lifeboat, the crew would assist them
18 to tag out the lifeboat. If the crew and the
19 shipyard is working on the main engine, the crew
20 will work to tag out the main engine. If the
21 shipyard is working on the steering system, the crew
22 will work with the shipyard to tag out the steering
23 system. Some examples.

24 Q. Sure. And in the examples you gave,
25 lifeboats, main engine and steering system, these

1 are all ship systems that the crew would assist
2 Detyens in tagging out? Do I understand that
3 correctly?

4 A. That is correct.

5 MR. YOUNG: All right. Let me get to
6 the next exhibit. All right. Yes. Exhibit Number
7 3, Wanda and Ryan, is Vessel Defendants 1601 through
8 1603. If you can get that in front of Mr. Varghese.
9 It was Number 7, I think, in Ken Fisher's
10 deposition.

11 MR. GILSENAN: Hang on.

12 (EXHIBIT 3, Crowley, Vessel Safety
13 Management System Manual, Bates Stamped
14 Vessel Defendants 1601 through 1604, was
15 marked for identification.)

16 THE WITNESS: Yes, sir, I got it.

17 BY MR. YOUNG:

18 Q. Mr. Varghese, we're going to mark as
19 Exhibit Number 3 these couple of pages from the
20 Crowley safety management safety manual. Do you see
21 that?

22 A. Yes.

23 Q. Okay. And this is a part of the safety
24 management system that Crowley produced and was
25 certified by the ABS like you testified about a

1 item was 601, caused Detyens to work on the davit,
2 engine part on the davit. And they executed that
3 using their, you know, their expertise on that. It
4 was not Crowley's management system applied there.
5 Crowley's management system applied lock out/tag out
6 and Crowley executed that.

7 BY MR. YOUNG:

8 Q. Yes, sir. I'm not asking about any of
9 those things. I'm asking about whether there was
10 stored energy in the way in which the davit arm was
11 restrained.

12 MR. GILSENAN: Objection. Asked and
13 answered.

14 MR. YOUNG: Not answered.

15 THE WITNESS: That is the shipyard
16 because -- it was the shipyard responsibility
17 because it was a work item tasked to them.

18 BY MR. YOUNG:

19 Q. Yes, sir. I'm not asking about
20 anybody's responsibility. I'm asking whether or not
21 there was stored energy in the manner in which the
22 davit arm was restrained by Detyens.

23 MR. GILSENAN: Objection.

24 BY MR. YOUNG:

25 Q. Yes or no?

1 is -- that is the intent of writing this like that.

2 Q. Okay. And in the davit repairs, how did
3 Crowley tell the shipyard to do the work?

4 A. We told the shipyard to restrain the
5 davit arm when the falls are removed and conduct the
6 repairs and then reinstall the falls and bring the
7 boat back. That is in Specification 601.

8 Q. And what is the MSC general technical
9 requirement guidance on how to instruct the shipyard
10 to do the work?

11 A. Give the intent of work, general design
12 of the work. Not to tell them how to do their job.

13 Q. Okay. And let's go back to how Crowley
14 tagged out the lifeboat davit system as a whole in
15 order to support the shipyard. Where was the first
16 tag out?

17 A. The first tag out normally at the
18 control room, where the main breaker is.

19 Q. In the engine control room?

20 A. Engine control room. Yes.

21 Q. Okay. And where is the second tag out?

22 A. That is located at the operating station
23 where the lifeboats are operated, lower and raise.

24 Q. Out on the deck?

25 A. Yeah. It's on the deck.